

Charter

Commercial Driver's License Advisory Committee¹

This charter establishes the U.S. Department of Transportation (DOT) Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Advisory Committee and provides for its operation in accordance with provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2); 41 C.F.R. Part 102-3; DOT Order 1120.3B; and Section 4135 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), P. L. 109-59. The charter also sets forth the principles governing the Committee's operation.

1. PURPOSE: The purpose of the FMCSA CDL Advisory Committee is to study and address current impediments and foreseeable challenges to the CDL program's effectiveness and measures needed to realize the full safety potential of the CDL program. The committee does not hold regulatory development responsibilities, manage programs, or make decisions affecting such programs. The committee provides a forum for the communication and consideration of information from stakeholders.

2. SCOPE AND OBJECTIVES: The committee will provide advice and recommendations to the U.S. Secretary of Transportation through the Administrator of the Federal Motor Carrier Safety Administration on the CDL program including, but not limited to, such issues as:

- a. State enforcement practices;
- b. Operational procedures to detect and deter fraud;
- c. Needed improvements for seamless information sharing between States;
- d. Effective methods for accurately sharing electronic data between States;
- e. Adequate proof of citizenship;
- f. Updated technology; and
- g. Timely notification from judicial bodies concerning traffic and criminal convictions of CDL holders.

3. DUTIES:

- a. The committee shall periodically, and when requested by the Designated Federal Official (DFO), report to the Administrator its findings and recommendations for legislative, regulatory, and enforcement changes to improve the CDL program.
- b. The members of the committee shall attend committee meetings, gather information as necessary to discuss issues presented by the DFO, deliberate, and provide written advice or recommendations to the Administrator.

4. SUPPORT: The Administrator shall provide staff support for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies

¹ Section 4135 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), P. L. 109-59 requires creation of a "task force" to study the commercial driver's license program. To satisfy the SAFETEA-LU requirement and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) FMCSA is chartering a "Committee" as provided for under FACA. Pursuant to FACA, all references in this charter are to "Committee" rather than "task force."

that the Administrator considers necessary for the committee to carry out its duties and powers. The FMCSA's Office of Safety Programs shall furnish support services for the operation of the committee.

5. DESIGNATED FEDERAL OFFICIAL AND SPONSOR: The DFO for the committee and its subcommittees is FMCSA's Associate Administrator for Enforcement and Program Delivery, or his or her designee. The DFO may designate a facilitator for advisory committee meetings. The committee sponsor is the Director, Office of Safety Programs, or his or her designee.

6. COSTS: The estimated annual direct operating cost of the committee is \$200,000.00, which includes travel and subsistence costs of members, and printing and miscellaneous costs. The number of person hours to support the committee is estimated at 4,160 per year.

7. MEMBERSHIP: The committee shall be comprised of 15 members appointed for up to 1-year terms by the Secretary with the advice and recommendation of the Administrator. Members serve at the pleasure of the Secretary and the Administrator. The members serve in a representative capacity, and are not special government employees. The members shall include, as far as practicable, State motor vehicle administrators, organizations representing government agencies or officials, members of the Judicial Conference, representatives of the trucking industry, representatives of labor organizations, safety advocates, and other significant stakeholders. Representatives of a single interest group may not constitute a majority of the committee. Members may continue to serve until appointment of their replacements. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve out the predecessor's term.

8. OFFICERS: The Administrator shall designate a Chairperson and Vice Chairperson from among members of the committee. The Chairperson will preside at meetings of the committee. The Vice Chairperson will act as Chairperson during the absence of the Chairperson.

9. SUBCOMMITTEES: The Chairperson may establish subcommittees subject to approval of the agency head. Subcommittees will be established only for limited purposes within the scope and objectives of the full committee. The Chairperson of any subcommittee shall be a member of the full committee and shall be appointed by the full committee Chairperson with the approval of the DFO. Members of a subcommittee may be appointed from any source by the full committee Chairperson with the approval of the DFO. Members of a subcommittee do not become members of the full committee and are not eligible for expenses, travel costs or per diem under this charter. Subcommittees shall submit all recommendations to the full committee for deliberation. Subcommittees may be terminated by the full committee Chairperson or the DFO at any time.

10. MEETINGS: Committee meetings will be held at the call of the DFO. A meeting of the full committee will be held at least once annually, and all meeting(s) will occur in the Washington, DC, area. The agenda for all meetings shall be set by the DFO. Meetings shall be open to the general public, except as provided under FACA. Notice of each meeting shall be published in the Federal Register at least 15 calendar days prior to the date of the meeting. Notice shall include the meeting agenda. The DFO or his or her designee shall attend each

meeting, and the committee may not meet or conduct business in the absence of the DFO or his or her designee. The DFO or his or her designee may adjourn any meeting when it is determined to be in the public interest. Detailed minutes of each meeting shall be certified by the Chairperson or Vice Chairperson and DFO or his or her designee and maintained by the sponsor. The minutes, as certified, shall be available for public inspection and copying in the office of the sponsor. Subcommittee meetings will not be open to the public.

11. REPORTS: All committee and subcommittee reports and recommendations shall be submitted by the Chairperson to the Administrator through the DFO or his or her designee. The DFO or his or her designee shall direct the committee to prepare such documents and any other reports. Within 60 days following the last meeting of each calendar year, the DFO or his or her designee shall submit to the Administrator for forwarding to the Secretary and the appropriate congressional committees, an annual report describing the committee's membership, activities, and accomplishments for the year. Committee and subcommittee reports and other documents, which are made available to, or prepared by, the committee, shall be included in FMCSA's public docket and shall be available for public inspection and copying in accordance with the Freedom of Information Act (5 U.S.C. 552).

12. CHARTER FILING DATE: The charter's effective date is November 21, 2006 and the charter shall terminate on November 20, 2008.